

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

KEENAN JOHNSON,

Petitioner,

vs

9:01-CV-946

JAMES CONWAY,

Respondent.

APPEARANCES:

OF COUNSEL:

KEENAN JOHNSON

Petitioner, Pro Se

95-B-1457

Attica Correctional Facility

P.O. Box 149

Attica, New York 14011-149

GREGORY G. McPHEE, ESQ.

Attorney for Petitioner

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Manlius, New York 13104

HON. ANDREW M. CUOMO

Attorney General of the

State of New York

Attorney for Respondent

Department of Law

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615 Erie Boulevard West

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MARIA MORAN, ESQ.

Asst. Attorney General

HON. DAVID N. HURD

United States District Judge

DECISION and ORDER

Petitioner, Keenan Johnson, brought a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The respondent made a motion to dismiss the petition. By Report-Recommendation dated March 22, 2007, the Honorable Victor E. Bianchini, United

States Magistrate Judge, recommended that the petition be denied and dismissed. There have been no objections made to the Report-Recommendation.

Accordingly, it is

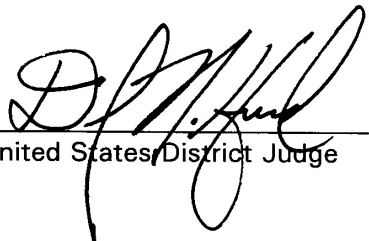
ORDERED that

1. Respondent's motion to dismiss is GRANTED;
2. The petition for a writ of habeas corpus is DENIED and DISMISSED in its entirety; and
3. The motion of attorney Gregory McPhee to withdraw as attorney for the petitioner is DENIED as moot.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.

Dated: July 12, 2007
Utica, New York.


United States District Judge